Preserved

G. R. S. IX-5]

Previous references.

Proc. 81 of 1894.

Srimgar Jagad Gasu's Case re Bangalore City & Cantonment 1868 (Police)

Later references.

Part 87-20 (1-6)

" 9-20 (1-3, 5, 6, 15 & 23)

" 26 (58-62)

" 161-32-1

" 50-33-1-3

" 99-36 (1-2)

Dump Dft 31 of 43.

Bd 76-46-4

1/5/20

1920.

821

1-46

File No. 108-1

Serial Nos. 1-5.

Preserve in 157 1/4

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 1 to 5

Part B for October 1920.

SUBJECT.

Procession in connection with Rajapeace Celebrations in Tipatur Taluk

To The D. C. Tumkur.
I. G. of Police.
No. G. 7298-9 of 2.10.20.

Refers the order passed in respect of the objections raised by the Mohamedans of Tipatur against the passing with music of the Public Ceremonial procession in connection with the Peace Celebrations in front of the Mosque

WD 2238—GPB—20,000—14-6-20

GENERAL AND REVENUE SECRETARIAT.

(Police

NOTES.

File No. 198-19

FILE HEADING.

Procession in connection with the Peace Celebrations in Kathiawar.

From

The Dy Comr, Thanesar.

No. J.C. 295 Dated 17-12-19 Received 18-12-19

Memory No. [illegible] Enclos. 2 Spare Copies. - Serial No. 66

BRIEF ABSTRACT OF LETTER.

Stating that the procession in connection with the Peace celebrations in Kathiawar which was postponed on account of the objection raised by the Khojas & other Muhammadans of the place against the songs & singing in front of the mosque has been allowed to proceed.

NOTES AND ORDERS.

Send for orders.

2. 18/12 2) Nem dos not appear to see any significance in conducting the procession on the 21st instant, unless it be known that Govt

NOTES—First Sheet.

(2

G. R. S. 111-2]

General and Revenue Secretariat.

Police

File No. 108 of 191 9.

Serial No.	
	have not meekly yielded to agitation 3) draft d/ to Hyderabad for Consideration Mr Chester 6/12/19.
	4) The copy of the petition forwarded by the D. C. shows that petrs are labouring under the erroneous impression that the Hindus have organised the procession with a view to disturb the petrs. As a matter of fact, it is not so as the procession only forms part of the peace celebrations under the G.O. of 30th Oct 19.
	5) Again, there is no allegation that the petrs had assembled in the Mosque for purposes of religious worship. Hence the question of congregational worship also does not arise, and there seems to be no reason why the music should be stopped.
	6) If the procession has to be conducted the petrs may perhaps be bound over to keep the peace under s. 107 Cr. P.C. The petrs may also be informed by an endorsement that there is absolutely no foundation for the mistaken

might + p.p. sent today p.m.

NOTE—Contn. sheet.

WD A 1789—GPB—60,000—20-3-18—S.

G. R. S. III-2]

General and Revenue Secretariat.

Police File No. 108 of 1919.

(3

Serial No.

P + C : D

Chief Secy

Kind regrets is invited to the orders passed by the Dist: Magte on 17.12.19 which seems to be correct.

Subd for orders

D. M.
19/12

Chief Secy

a) It is desirable that the procession should take place. The mahomedan objection appears to be not well founded as stated by the Magte.

Dewan

Chief Secy
19/12/19

b) If the Builders use their 6 Conveyances, he must have existing allowance for Procession & have to be present on the day. Afterwards finish & give up the 15 Cart. He finds in existing in not using so. If he has any duty & difficulties, he should have report the matter & the Dist Magte & suggest rules in time. Simply, when cart no necessity in terminating the procession & take place after the celebrations are over, merely & abolish Builders privileges, which is that he must take & do a duty should come & the Dist Magte that the time for closing the Procession & bring back + that work do not see the necessity for having it now. Rules.

DEWAN'S OFFICE.
Recd. on DEC 20 1919
Reg. No: 4215

The file was subd to Dewan directly as a claim to be taken immediately by Chief P.S.O.
D. M.

NOTE—Contn. sheet.

G. R. S. III-2]

General and Revenue Sepretariat, Police File No. 108 of 1919.

Serial No.

Rd 4.55 p.m.

11) Memo with up draft as

P.M. 20/12

12) Draft submitted for approval

SKR 20/12

AGR 20/12 Early secy

P.M. 22/12

13) For approval

Dewan

then 3rd member

CRS 22/12/19

P.M. 22/12

DEWAN'S OFFICE.
Recd. on DEC 23 1919
Reg. No. 4283

Rec 26.12.19

14) Done

27-12-19

MW 31/12

2. To the D.C. Trichur

& the S.P.'s Police

No. 14944-8 dt 3-1-1920

Sketch that as the time for celebrating the procession is past Govt do not consider it necessary to require the procession to be now conducted

NOTE—Contn. sheet.

9739

G. R. S. III-2]

General and Revenue Secretariat.

Police File No. 108 of 1919

Serial No. 3

From the Pte Secy to H.H. No. 2317 d/ 20th Dec 1919
Forwards for disposal telegram d/ 16th inst from Mr. Ataahomed Ghuse, Khoja at Tiptur about the stoppage of music near the mosque in connection with the Peace celebration procession.

15) The procession in question did not take place on the 16th inst. orders were solicited as to its being conducted on the 21st inst, the date to which it had been postponed. The Dewan has ordered in the main file that the date of celebration is long past, and that there is no necessity in permitting it to take place now.

16) An endorsement may perhaps be given to the Khoja after the issue of the G.O. in the matter.

17) Subd for orders.

26/12

18) The may perhaps be informed that the matter is

^ Now dispose by Memo. with draft G.O.

NOTE—Contn. sheet.

9611
9739

G. R. S. III-2]

General and Revenue Secretariat.

File No. 158 of 1919.

Serial No.

under consideration of Govt. to take order with issues shortly.

D. M. 1/1/20

III Member

2378 2/1/20

19) Now that order in case already issued on the file, please put up draft & a suitable endorsement for my consideration.

10/1

20) Draft to issue

D. M. 12/1

21) Draft Subd with refce to para 19.

SLR 13/1

22) Draft endorsed Subd for admb

D. M. 13/1

III Member

2594 13/1

Draft put up for orders, signed & sent for issue as per para 19 above.

2 25/1

23) Draft issued

25/1

D. M. 26/1

NOTE—Contn. sheet.

9735

G. R. S. [11-2]

General and Revenue Secretariat.

Revenue File No. 108 of 1919.

Serial No.

3912
4.2.20

Note—Contn. sheet.

(For Disposal at a Meeting)

No. C. 437

.....19.20

GENERAL AND REVENUE SECRETARIAT.

Council Matter.

SUBJECT.

Procession in connection with Peace Celebrations in Tiptur Town.

CIRCULATED TO THE MEMBERS OF COUNCIL.

By Order,

C Balasundaram

.....14th February..... 19.20. *Chief Secretary to Government.*

Extraordinary Member of Council.

First Member of Council. Opinion recorded

Seen

16.2.20

Second Member of Council. Seen.

Third Member of Council. Seen.

G. R S. III-2]

General and Revenue Secretariat. | Police File No. 608 of 1919.

Serial No.

DEWAN'S OFFICE.
Recd. on FEB 9 1920
Reg. No. 5427

Dewan's

C.S.J
7/2/20

2b) This may be brought up at the next Council meeting for an informal consideration. This need not be a formal agenda item

Dewan's 7/2/20

C.S.J 10.2.20

3) The text of the G.O has as it serves by the Second Member. Gone somewhat beyond the terms of the Dewan's order. This might have been avoided. But it does not seem to me that any violation of Established manual or recognised principle is involved or contemplated in it. This is a matter in which the local authorities have to use their best judgment & discretion. I do not think that the Amildar displayed much tact & wisdom in dealing with the matter as he did.

Peel
15.2.20

NOTE—Contn. sheet.

2571

Police file No. 108 of 1919

SE No 6) From the Dist Magte, Trichinopoly Revise order in his
No. 96 583/19-20 d/ 8.6.1920 forwards for
reference a copy of Judl Commissioner's decision in Special appeal No. 14 of 1871.

first 2 sentences & saying that D.M. regards the last para as privilege &c -

Events.

28) Submitted with the files containing

(1) Colvin Coutv Bowring's order, in original, directing the Cantonment Magte "to issue strict orders to the Police to prohibit all playing of music by processions, when passing in front of a place of worship of members of another persuasion", and stating "The high roads are open to all, but the Govt will not ~~allow~~ permit one class to set at defiance another and to insult them when passing by their place of worship whether it be a mosque or a temple or a church. It might be advisable specify these buildings by name."

send religious
(2) the list of institutions in the Trichinopoly ~~District~~ prepared in accordance with Judicial Coutv Gordon's suggestions, from which it is seen that the Jiptur mosque is not entitled to stoppage of music.

Chetpet 26/8/20

Vide pp.
13 to 16

GENERAL AND REVENUE SECRETARIAT

Abstract of tappal—dated 13-8-1920.

No.	From whom	Brief abstract
1	The Senior Surgeon in Mysore.	Requests sanction of Govt. for introducing the Madras Scale of pay to male Sub Asst. Surgeons also as has already been allowed to the female Sub Asst Surgeons in the Dept.
2	S. P. of Police in Mysore.	Submits for information copies of diary extracts received from D/2 Sri Narasimha Sastri, in Northern India re the burglary Cases committed in Bombay City.

C. Ramaiah
Registrar

G. R. S. III-2

General and Revenue Secretariat. | File No. of 19

Serial No.

29) Revised Draft Sub'd.

Chiefly

1-9-20

For approval

3rd member

Dewan

2/9/20

1628
2.9.20

DEWAN'S OFFICE.
Recd. on SEP 8 1920
Reg. No. 2467

30) I would wish his petition marked in pencil in the 14th para the draft notes. I do not see any reason why the local authorities should not use their discretion in selecting a different route for procession in order not to wound the religious feelings of the Hindu residents & in particular locality if they regard the stopping of music in front of a mosque. The note as drafted makes it obligatory on the part of the local authorities to adhere to the route selected even though there might be an apprehension of a breach of the peace which if the discretion of the local authorities had remained unfettered, they would have easily avoided.

4/9

31) This with a C.O. of importance. 4/9

NOTE—Contn. sheet.

23771

C. 437.

G. R. S. III-2

General and Revenue Secretariat.

Pol. File No. 108 of 1919.

Serial No.

I shd like it submitted to the Dewan on his return from leave.

Rees.
9.9.20

C.B.
Resubmit on
15/9/20
10/9

Dewan)

DEWAN'S OFFICE.
Recd. on SEP 17 1920
Reg. No. 2640

CBR
14/9/20

32) I see no objn. & must ask sentence marked in pencil & which concerns penal q the draft p.s & q myself & the third member.
Its omission may affect the merit & term q the sanction -
The draft & appeal & may come
Rees
20-9-20

33) Issue. as revised
CBR
21/9.

ISSUE & RESUBMIT.
Pol

34) Subd for perusal before issue
RAR
21/9

35) Mssrs Jones & Co - submitted & 2nd member for perusal
P. G.
20/9

P. J. O

NOTE—Contn. sheet.

G. R. S. III-2

General and Revenue Secretariat. | P & E File No. 108 of 1919

Serial No.	
5	To The D.C. Tumkur by The S.P. & Police No 47298-9 dt 2-10-1920 Revise the order passed in respect of the objections raised by the Mohomedans Residents of Tiptur against the passing with music of the Public ceremonial Procession in connection with the Peace Celebrations in front of the Musjid

26) Reconciled with reference to para.

35

2305 5-10-20

3/10 3/10 III Member

37) Send for record

38) 7/10

NOTE—Contn. sheet.

Noted
SECRETARIAT III
19 OCT 1920

Circular No.

683/22

Mysore Judicial Commissioner's Office,

Bangalore, 3rd July, 1876.

From

J. D. Gordon, Esquire,

Judicial Commissioner of Mysore.

To

The Commissioner of the Nundidroog Division.

Sir,

I have the honour to forward herewith copies of the marginally noted correspondence for the information of yourself and the Deputy Commissioners of your Division, and I request that you will be so good as to cause the latter carefully to prepare and submit to me through you, lists of all places of worship which in their opinion should be registered as entitled to the privilege of processional music stopping in fromt of them. The selection should be made in accordance with the views expressed in my letter to the Secretary and with reference to the proximity and position of places of worship as regards the public road, I am of opinion that the privilege in question should be conceded to such of them as are directly on the public road or are situated at a distance of not more than 25 yards from it with no buildings intervening.

Para 5 of letter No. 515/62 dated 17th June, 1876 to Secretary.

Para 3 of the Chief Commissioner's Proceedings No. 3019/501 dated 23rd June, 1876.

2. Should there be any special circumstances which render it desirable in any large town to have more than two registered places of worship for each religion, these circumstances should be fully reported, and the additional places recommended for registry should be included in the lists to be submitted by the Deputy Commissioners.

3. I request that you will instruct these officers to state fully the grounds of their recommendations and proposals and that you

will yourself favour me with your own opinion thereupon.

I have etc.

(Signed) J. D. Gordon.

(Judicial Commissioner.)

----------oOo---------

Extract from a letter No. 515/62 dated the 17th June, 1876 from the Judicial Commissioner to the Secretary to the Chief Commissioner of Mysore.

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x x x x x x x x x

Para 5. I take this opportunity to bring to the Chief Commissioner' notice that some measures are urgently required to be taken in order that there may be no pretext or occasion whatever in future, for disturbances like the present. The orders requiring all processions to stop their music when passing in front of places of worship were originally passed b by Mr. Bowring in regard to Bangalore and they have since then been extended to the whole of the Province by Sir R. Meade. Had such orders not been in existence now for some years, my own opinion in the matter would have been to regard public roads and streets as open to the public for all legitimate purposes, and to the free use of all authorized processions. I would impose upon such processions no restrictions or interruptions of any kind except to the extent of requiring themwhen passing in front of places of worship, not to stop there, for the purpose of annoyance or insult. But having regard to the fact that the orders in question have been in force for some years, and have been in a measure generally observed, and looking also to the circumstances that these orders have already created and fostered a sense of right as it were, on the part of certain places of worship and those frequenting them, and that they have tended to intensify the religious feeling involved, I would not now advocate any violent change, but would seek to prevent the abuse of the consession by limiting the privilege in question to a few carefully selected mosques and temples. I think that in each

large town there should ordinarily be but one place of worship of each religion which should have the privilege in question. They should all be carefully selected with due regard to their importance and antiquity and specially too with reference to their proximity and position to the public road. In some of the larger towns, it may be desirable perhaps to select two places of worship for each religion, but this number should not in any case be exceeded. After careful selection(which with the Chief Commissioner's approval can easily be made by me as a police matter in communication with the Local officers,) the places selected should be regularly registered both in the Office of the Inspector General of Ploic and in the different District Magistrate's offices. A list of these places should be published in the Local Gazette, and so much of it as may relate to each Town should be clearly made known to the inhabitants in it. When this has been done, all claims to the privilege in question for other than registered places of worship should be sternly discountenanced and all attempts to enforce such claims severely punished when leading to any disturbance of the public peace. At present there is a degree of vagueness and uncertainty as to the particular buildings entitled to the privilege in question and there is also felt considerable difficulty in regard to new mosques and temples of a petty character, whi appear to be increasing in number everywhere. It is chiefly with reference to such new buildings, and others whose claim to the privilege has has not been acknowledged that disturbance of the peace frequently takes place. It is of the utmost importance that there should be no room for any doubt in the matter, and I accordingly earnestly urge these proposals on the Chief Commissioner's early consideration.

I have etc.

(Sd) J. D. Gordon

Judicial Commissioner.

* * * * * * *

Extract from the Proceedings of the Chief Commissioner's No. 3019/501 dated the 23rd June, 1876.

* * * * * *

Para 3. The proposal in para 5 to limit the privileges regarding processions to a few carefully selected mosques and temples throughout the Province, and to have such places of worship duly registered is approved.

(Signed) J. S. F. Mackenzii

For Offg. Secretary.

Circular No. 163.

Nundydroog Division Commissioner's Office, Bangalore the 12th July, 1876.

The above copy is forwarded to the Deputy Commissioner of the Bangalore District for full and precise reports, as directed by the Judicial Commissioner.

(Signed). J. L. Pearce.

Commissioner.

* * * * * * * * *

Proceedings of the Chief Commissioner of Mysore in the Judicial Department dated, Bangalore June 1876.

Letter from the Judicial Commissioner of Mysore No.515/62 dated 17th June 1876 with enclosures.

ORDER NO.3019/G.501.

In the foregoing letter the Judicial Commissioner submits the result of the enquiry instituted by him under the orders conveyed in this office letter No.10348/2149 dated 29th March 1876, in connection with the disturbance which took place at Hapans on the last day of the Dassara festival.

2. The Chief Commissioner entirely concurs in the views expressed by Mr. Gordon in regard to the laxity displayed by Captain Shaw on the occasion referred to, in not only failing to make a searching and prompt enquiry into the nature of the disturbance, but in urging the Amildar to compromise the matter, as he must have been, that the latter had been severely beaton by an excited mob whose ringleader ought to have been apprehended and severely punished for opposing and maltreating an officer of his rank and responsibl position while in the execution of his duty.

3. The proposal, in para 5, to limit the privileges regarding processions to a few carefully selected mosques and temples throughout the Province and to have such places of worship duly registered, is approved.

Sd/- ...
Offg.Secy.

K.M.R.2.

"Copy"

Letter No.515/62 dated 17th June 1876, from the Judicial Commissioner in Mysore, to the Secretary to the Chief Commissioner in Mysore.

I have the honour to acknowledge the receipt of your letter No.10,348/2149 dated 29th March 1876, and as requested therein to submit the following report regarding he disturbance which took place at Hapan during the last Dupara festival.

2. Upon a careful perusal of the correspondence which had already taken place on the subject, and of the explanation which I have since then called for from Captain Shaw and Amildar Sreenivasaiengar, I am clearly of opinion that the disturbance was a deliberate and unprovoked act on the part of some of the Mahomedan inhabitants of Hapan. The Mosque, on behalf of which they appear to have claimed the privilege that all processions should stop their music when passing in front of it, has been but very recently converted into a place of worship, has never been recognized as entitled to any such privilege, and is moreover situated at a distance of about 60 yards from the street. And these circumstances aggravate the nature of the disturbance and give to it the character of an unlawful and violent movement for acquiring new rights and privilages. It was in itself not of a trivial nature, as reported by the Deputy Commissioner, who was never on the spot, as both the Assistant Commissioner and the Amildar, who were present, stated distinctly that there was a serious fight and that the latter a high local officer, was severely beaten. Under these circumstances it is very much to be regretted that the authors of the disturbance have not been tried and punished and the explanation offered by Captain Shaw for this omis-

omission is very insufficient and unsatisfactory. The absence of a complaint in a case of this kind, dies not justify a District Magistrate in refraining from prosecuting the offenders. It is evident that some men had been arrested on the night in question, but why they were discharged without any enquiry is not stated. One of these men, a Police Lance Duffadar appears to have been reduced for "neglect of duty", a punishment palpably inadequate for his alleged connection with the disturbance. Captain Shaw when complained to by a large number of people on the night in question admittedly did nothing to ascertain what had taken place, or what preventive measures were then necessary and the Amildar distinctly say that he was ordered by him on the next morning to compromise the matter, and not to complain. In the explanation now furnished by the Amildar, he specifically and by name accuses certain officers of the Police as the authors of the disturbance. It is probable that he made at the time the same statement to Captain Shaw, and it is certain that he would have done so had there been as was proper, a strict enquiry it is very much to be regretted that no such enquiry was held.

3. Holding these opinions, I am nevertheless satisfied that any enquiry which may now be made can lead to no useful result, after the lapse of time, which has taken place; and accordingly it is only left to me now to ensure the conduct of the Police Officers concerned, and where necepary to punish them departmentally.

4. The Police Assistant Commissioner who appears to have been present during the greater part of the

the procession, is guitly of serious dereliction of duty in going away just before the occurrence of the disturbance. Seeing what had already transpired he had good reason to apprehend opposition and breach of the peace from the mahamedans and nothing can justify his neglect of his manufast fluty in the matter. His conduct will now form the subject of departmental inquiry.

5. I take this opportunity to bring to the Chief Commissioner's notice that some measures are urgently required to be taken in order that there may be no pretext or occasion whatever in future, for disturbances like the present. The orders requiring all processions to stop their music when papsing in front of places of worship were orginally passed by Mr. Bowring in regard to Bangalore and they have since then been extended to the whole of the Province by Sir H.Meade. Had such orders not been in existence now for some years, my own opinion in the matter would have been to regard public roads and streets as open to the public for all legitimate purposes, and to the free use of all authorized processions. I would impose upon such processions no restrictions or interruptions of any kind, except to the extent of requiring them, when passing in front of places of worship, not to stop there for the purpose of annoyance or insult. But having regard to the fact that the orders in question have been in force for some years, and have been in a measure gen rally observed, and looking also to the circumstance that these orders have already created and fostered a sense of right, as it were, on the part of certain places of worship and those frequenting them, and that they have

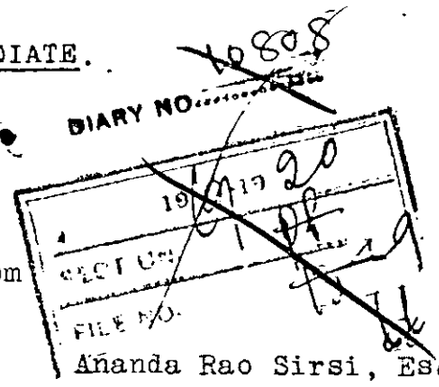
have tended to intensify the religious feeling involved, I would not now advocate any violent change, but would seek to prevent the abuse o the concession by limiting the privilege in question to a few carefully selected mosques and temples. I think that in each large town there should ordinarily be but one place of worship of each religion, which should have the privilege in question. They should all be carefully selected with due regard to their importance and antiquity and specially too with reference to their proimity and position to the Public Road. In some of the larger towns it may be desirable perhaps to select two places of worship for each religion, but this number should not in any case be exceeded. After careful selection which with the Chief Commissioner's approval can easily be made by me as a Police matter in communication with the local officers, the places selected should be regularly registered, both in the office of the Inspector General of Police, and in the different district Magistrates Offices. A list of these places should be published in the Local Gazette, and so much of it as may relate to each town should be clearly made known to the inhabitants in it. When this has been done, all claims to the privilege in question for other than registered places of worship should be sternly discountenanced and all attempts to enforce such claims severely punished when leading to any disturbance of the public peace. At present there is a degree of vaguencess and uncertainty as to the particular buildings entitled to the privilege in question, and there is also felt considerable difficulty in regard to new mosques and temples of a petty character, which appear to be increasing in number every where. It is

P...6.

It is chiefly with reference to such new buildings, and others whose claim to the privilege has not been acknowledged, that disturbance of the peace frequently takes place. It is of the utmost importance that there should be no room for any doubt in the matter, and I accordingly earnestly urge these proposals on the Chief Commissioner's early consideration.

"Copy"

IMMEDIATE.



Office of the Deputy Commissioner,
Tumkur District,
Dated Tumkur, the 17th December 1919.

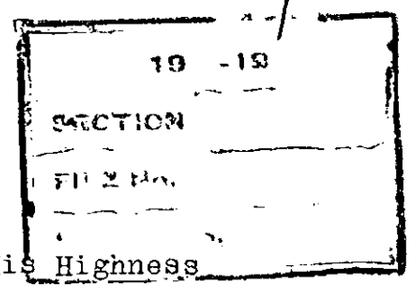
17

From

Ananda Rao Sirsi, Esq., B.A., LL.B.,
Deputy Commissioner, Tumkur District.

Pol Gee 108-19-1

9611



To

C.S. Balasundaram Iyer, Esq., B.A.,
Chief Secretary to the Government of His Highness
the Maharaja of Mysore, Bangalore.

Sir,

I have the honour to forward herewith, copy of the report dated 16th instant, received this morning from the Amildar of Tiptur Taluk, stating that the Khajee and other Mahammadans of the Tiptur Town took objection to the public Ceremonial Procession in connection with the Peace Celebrations passing in front of the Maszid in the Petta Road of the Tiptur Town with music and on this account he postponed the same. Copy of the petition presented to the Amildar by the Khajee and other Mahammadans of Tiptur raising the objection referred to is also enclosed.

2. The Procession in question was arranged to be held in the Town of Tiptur as per para 3 of Government Order No. G. 2437-87/P.P.13-19-23 dated 30th October 1919 and was to be conducted through the principal streets of Tiptur with the photos of Their Majesties the King Emperor and the Queen Empress and His Highness the Maharaja of Mysore on the 15th instant. The Amildar, perhaps on the report received about the objections of the Mahammadans, put off the Procession to the 16th instant. On this day they presented a formal petition to him, raising objections above referred to. This Officer apprehending a serious breach of peace and finding the local Police inadequate to carry out the Procession adjourned the event and has applied for additional Police help. It is reported that he explained to the Mahammadans present

2.

CHIEF SECRETARY'S
POLITICAL BRANCH.
18 DEC. 1919

1393, 1919-20.

From

The Deputy Commissioner,
Tumkur District, Tumkur.

To

The Chief Secretary to the Govt.
of H.H. the Maharaja of Mysore,
Bangalore.

Received 3.20 PM 18/12

Dated 17th December 19191

Despatched

Received

General No. J.C. 295 of 19.20
No.

Enclosure No. 3

Re the Procession in connection with the Peace Celebrations in Tiptur Town.

18

present that their objections were untenable as the Procession had no religious significance and yet the Khajee and others seem to have been obstinate. It is hardly necessary to remark that a Procession with music cannot pass in front of religious institutions does not apply in the case Government Processions which are neither communal nor religious. In this view it is unnecessary to enquire into the nature of the religious institution.

3. In the report, the Amildar says that the so called Maszid in question is only an Ashurkhana and according to the late Judicial Commissioner's decision in special appeal No. 14 of 1871 the right of stoppage of music in front of it has been denied to it. The Amildar would have done well to have reported the matter to me in time on the 15th instant or earlier, immediately he apprehended any objection or obstacle on the part of the Mahammadans of the Town, when additional Police help would have been sent to him to carry out the Procession according to the programme. I have now instructed him to arrange for the procession on ancther day after taking necessary precautions and taking action, if necessary, under Sections 107 and 144 of Criminal Procedure Code. Additional Police help will also be sent to Tiptur to carry it out. In the meanwhile I have directed the District Superintendent of Police to proceed to Tiptur and explain to the Mahammadan public there, that their action is wrong and to take the necessary precautionary measures.

4. As the days prescribed for Celebrations of the Peace are over, and as the Procession that ought to have been carried out has been postponed on account of groundless, untenable objections, it is intended to have it carried out next Sunday, the 21st instant, unless orders to the contrary are received from Government.

5. Copy of my order on the Amildar's report is forwarded herewith for information.

I have the honour to be,
S i r,
Your most obedient servant,

Deputy Commissioner,
Tumkur District.

HCS

Tiptur

16th December 1919.

19

Submitted to the District Magistrate:-

I submit herewith the petition presented to me by the Mahamedans of Tiptur Town, asking for the stoppage of music in front of their Mazid in the Bazaar road when the procession connected with the Peace Celebration passes the same. The procession in question should have taken place yesterday, but among other inconveniences, I heard rumours that the Mahomedans objected to the procession passing along the Petta road in front of the Mazid with music. To-day the Mahamedans approached me personally and told me that it was so.

This is not a function pertaining to any religion or sect, but a loyal demonstration of joy on account of the signing of Peace Treaty and the photos of His Majesty the King and His Highness the Maharaja were to be taken in procession. I have therefore decided not to stop music in front of the Maszid and informed the Mahamedans accordingly. They have, I hear, wired to the Government, the Inspector General of Police and to the District Magistrate. They have also presented to me the petition under submission.

I enclose herewith the records connected with the dispute between the Hindus and Mahamedans in this Town in regard to processions in front of the said Mazid. The Mazid is situated in the midsts of Hindu houses and by the side of the Hindu shrine. From the papers, it is gathered that this was a mere Ashurkhana and latterly developed into a Mazid. The Judicial Commissioner in Mysore in special Appeal suit No. 14 of 1871 has held that "The Mahamedans failed to prove that they possessed any recognized right to put a stop to the playing of music on the high way, or that there is any usage in existence having the force or authority of law which prohibits the use of music along a highway where such highway passes the neighbourhood of a mosque."

The Mahamedans of the place are trying to establish a mamool against the interests of the Hindus and in this attempt have resolved to stop with force, if necessary, the procession of the

P.T.O.

the pictures of His Majesty the King Emperor and His Highness the Maharja, a procession in which all classes and creeds are invited to take a joyful part. The action of the Mahamedans betrays their disrespect for authority. In these circumstances, I solicit early orders. If a force of 30 constables with some Reserve Police are sent, the procession will be taken along the principal roads. I beg that the District Superintendent of Police may also come for a day. Otherwise, it will have to be abandoned. The road in the neighbourhood of which the Mazid is situated is the main Bazaar Road and could not possibly be avoided in taking the procession.

I have explained at great pains to the Mahamedan representatives they they are also to take part in the procession and that it has no religious significance and that it would be disloyal to obstruct such a procession. But they do not appear to heed such tame advice.

In these circumstances, the procession could not be stated and orders are awaited as to the further action to be taken.

Sd/- H.C. Subba Rao,

16th December 1919. Amildar and 3rd Class Magistrate, Tiptur.

"Copy".

Deputy Commissioner &
District Magistrate,
Tumkur District.

D.M.

16-12-19.

(Sd.) S. S. Ibn Afzal of Delhi, Deputy
I. N. Mukul Esquire
Collector of Delhi
Chairman, Delhi Municipal Committee
Some more Signatures in
Tamil, Gujarati & Hindustani

'Copy'.

Deputy Commissioner
& District Magistrate

Office of the District Magistrate,

Tumkur District,

Dated Tumkur, the 17th December 1919.

Read:-

Report dated 16-12-1919 from the Amildar Magistrate of Tiptur, regarding the objections taken by the Mahamadans of Tiptur Town for the procession connected with the Peace Celebrations, pssing, with music in front of the Maszid situated in the Bazaar road of Tiptur.

O r d e r.

The Amildar should have reported the matter immediately he apprehended danger, instead of that he reports after postponing the Procession. It is somewhat surprising that the Amildar should not have taken action under Section 107 Criminal Procedure Code when he found that there was a disloyal movement to stop the Royal Procession. The rule that music should be stopped before religious institutions does not apply in the case of Royal Processions and Processions to be carried out under the order of Government. It must be carried out on a date to be fixed by the District Superintendent of Police in consultation with the Local Officers. Since it is postponed, it should be carried out. Meanwhile the District Superintendent of Police will go to Tiptur and explain to those who seem to be ill-advised to take better counsel and show their loyalty. A report to Government will be made stating the circumstances and the order passed and in case of necessity, the Inspect General of Police will be requested to send some Reserve Police men from Bangalore.

Sd/- Ananda Rao Sirsi,
Deputy Commissioner &
District Magistrate,
Tumkur District.

"Copy".

Ananda Rao Sirsi

District Magistrate,
Tumkur District.

D.N.

GAS

ಆಜ್ಞಾಪತ್ರ
44

ಶಿವಮೊಗ್ಗ ಜಿಲ್ಲಾ ಸಂಸ್ಥೆಯ ಪ್ರಥಮ ವರದಿ

ಶಿವಮೊಗ್ಗ ಪೊಲೀಸ್ ಸೂಪರಿಂಟೆಂಡೆಂಟ್ ಅವರ ಸಹಿಯೊಂದಿಗೆ
ಇಂದಿನ ಪತ್ರಿಕೆಯಲ್ಲಿ ಪ್ರಕಟವಾಗಿರುವ ಸುದ್ದಿಯ ವರದಿ -

ದಿನಾಂಕ 16.12.ರಂದು ಸಂಜೆ ಸುಮಾರು ೬ ಗಂಟೆಯ ಸಮಯದಲ್ಲಿ
ಸಂಸ್ಥೆಯ ಕಛೇರಿಯಲ್ಲಿ ಸಂಸ್ಥೆಯ ಸದಸ್ಯರಾದ ಶ್ರೀ ಎಂ.ಎಸ್. ಶಿವಪ್ಪ
ಮತ್ತು ಶ್ರೀ ಎಂ.ಎಸ್. ಸಿದ್ದಪ್ಪ ಇವರುಗಳು ಸಂಸ್ಥೆಯ ಕಾರ್ಯದರ್ಶಿಗಳಾದ
ಶ್ರೀ ಎಂ.ಎಸ್. ಸಿದ್ದಪ್ಪ ಇವರುಗಳೊಂದಿಗೆ ಸಂಸ್ಥೆಯ ಕಛೇರಿಯಲ್ಲಿ
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Further a telegraphic instructions may kindly be issued, that all further action regarding this proceeding be stayed pending further orders on a detailed report

ಸಂಸ್ಥೆಯ ಕಛೇರಿಯಲ್ಲಿ ಸಂಸ್ಥೆಯ ಸದಸ್ಯರಾದ ಶ್ರೀ ಎಂ.ಎಸ್. ಶಿವಪ್ಪ
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ಸಂ. 295/9-20.

ಸಂಸ್ಥೆಯ ಕಛೇರಿಯಲ್ಲಿ -

(2). ಸಂಸ್ಥೆಯ ಕಛೇರಿಯಲ್ಲಿ ಸಂಸ್ಥೆಯ ಸದಸ್ಯರಾದ ಶ್ರೀ ಎಂ.ಎಸ್. ಶಿವಪ್ಪ

19/12

Received 2.15 pm 19/12

24

ಹಂಡಿಯಾಳಿಗೆ ಸೈಕಲ್ ಬಿಟ್ಟಿದ್ದಕ್ಕೆ ಸಿಟ್ಟಾಗಿ

3) ಇಂಗ್ಲೀಷಿನಲ್ಲಿ ಬೈದಿದ್ದಕ್ಕೆ ಬೇಸರ ಪಟ್ಟು ಸೈಕಲ್ ಸವಾರಿ ಮಾಡಿದ್ದಕ್ಕೆ ಸಂತೋಷ ಪಟ್ಟಿದ್ದಕ್ಕೆ ಹಾಗೂ ಮಳೆಯಲ್ಲಿ ಸೈಕಲ್ ಸವಾರಿ ಮಾಡಿದ್ದಕ್ಕೆ ಬೇಸರ ಪಟ್ಟಿದ್ದಕ್ಕೆ

ಸ್ವಂತ ಬರಹ

ವಿದ್ಯಾರ್ಥಿನಿಯ ಸಹಿ

18. 12. 09.

L 5

Copy of Telegram d/ 19th Dec 1919
to the Dist Magte, Tumkur

'Please stop all further
action regarding Tipture
peace celebration procession
pendings further orders.

Sd/ P.M.
19/12

26

G.R.S. VI–71]

SUBJECT..... ab

.....

.....

Diary No. of letter replied to 9611

Section Police

File No. 108–19

Serial No. 2

General and Revenue Secretariat

(Police)

, the 191 .

Proceedings of the Government of His Highness the Maharaja of Mysore.

Read—

Date of issue..... 3/1/20

Signed by..... Mr C Rm

Letter No. J. & P. 295 of 19–20 d/ 17th Dec 1919 from the D.C., Tumkur District stating that the Public Ceremonial Procession in connection with the Peace celebrations in Tiptur town which had ~~postponed~~ to be conducted ~~Order Thereon~~ on the 15th Dec 1919 was postponed to ~~the 21st instant~~ on account of the objection taken by the Khajee and

May this be

i Printed ?

ii treated as a standing order ?

ii published in the Gazette, English Part ?

iv translated ?

v placed at the disposal of the press ?

vi published in the Gazette Kannada Part ?

other Mahomedans of the place, to allow it to pass with music in front of the Masjid in the Pettah Road, and stating that it is intended to conduct the procession on the 21st idem.

27

Order No

The copy of the petition presented by the Mahomedan residents of Pettah, received with the above letter clearly shows that they are labouring under an erroneous impression that the Hindus had organised the procession with a view to dishonour the Mahomedans. The procession in question formed part of the programme ordered by Govt in G.O. No. G 9437-87/ P.P. 13-19-23 of 30th Octr 1919 and as such it had neither

List of enclosures.

Copied by

Examined by H

WD 1744—GPB—30,060—17-3-19

G.R.S. 27]

GENERAL AND REVENUE SECRETARIAT.

(Continuation sheet draft form.)

The objections raised by the Mahomedans are manifestly untenable, and the local authorities ought to have taken necessary steps in time to have the procession conducted on the day appointed.

Rees
26.12.19

religious, not a communal significance. Therefore the objections put forward by the Mahomedans are untenable. G 14977 8

2. As however the time for celebrating the Royal Procession is ~~was~~ fixed, Govt do not consider it necessary to ~~see the necessity~~ require the procession to be now ~~postponed~~ conducted ~~after the~~ on another ~~take place now~~ occasion to ~~some future~~ date.

DS
27/12
for Chief Secy.

To

The D. C. Tirukkoyilur
The D. G. of Police

D. M.
27/12

SBR
28/12

MM
27/12

CHIEF SECRETARIAT
POLITICAL BRANCH
22 DEC 1919

DIARY NO. 9739

No. 2317

OFFICE OF THE PRIVATE SECRETARY

TO HIS HIGHNESS THE MAHARAJA OF MYSORE,

20th December 1919

16246

PROTECTION
23 DEC 1919

1919-20
SECTION Police
FILE No. 108-19
SERIAL N 3

Petition, as shown below, to His Highness the Maharaja, is transferred to the Chief Secretary to the Government of His Highness the Maharaja of Mysore, ~~.....~~ ~~Department~~, Bangalore, for disposal

* Telegram with reply prepaid Voucher No 15.

No. 423 of 19-20

By Order,

for Private Secretary
to His Highness the Maharaja of Mysore.

GBPM—1,000—80-4-18.

C. INDIAN TELEGRAPHS. 30 423 15

NOTICE. This form must accompany any inquiry made respecting this Telegram.	Charges to pay. Rs.	As.	Office Stamp. MYSORE 16 DE 19 G T.O.

Handed in at (Office of Origin.)	Date.	Hour.	Minute.	Service Instructions.	Words.

TO Lieutenant 16 12 50 Received at Idgah H. 47 M.

R P M. Four.

H. H. The Maharaja Mysore

Arranged Celebration 4 P M today passing with band near mosque all muslim of Tipu requested assisted to stop band near mosque refused to col. mir if you dont agree will Tipu

N.B.—The name of the Sender, if telegraphed, is written after the text.

31

U. INDIAN TELEGRAPHS.

NOTICE.

This form must accompany any inquiry made respecting this Telegram

Charges to pay.

Rs.	As.

Office Stamp. MYSORE 16 DE 19 G T.O.

Handed in at (Office of Origin.)	Date.	Hour.	Minute.	Service Instructions.	Words.
		14	50		

TO

Recd. here at 15 H. 25 M.

Begging arrange and reply atonce

Nandgaonsel Khaja.

N.B.—The name of the Sender, if telegraphed, is written after the text.

G. R. S. III-2]

General and Revenue Secretariat.	File No.	of 19

Serial No.

POSTS & TELEGRAPHS

INLAND REPLY TELEGRAM FORM.

Prefix | Code | No.

Office of Origin and Date and Service Instructions | Words | Sent at H. M. | Space for Postage Stamps

Nothing to be written by the Sender above this line.

Excess Charge. Rs. A. | To | By

In payment of excess charge (if any) must be affixed by the Sender, and must not overlap. Any Stamp for which there is not room here should be affixed at the back of this Form. Stamps cut, torn or defaced are not accepted.

Rates for Inland telegrams.

	First twelve words			Each additional word.		
	Rs.	A.	P.	Rs.	A.	P.
Ordinary	0	8	0	0	0	6
Express	1	0	0	0	0	6

If the class of the reply telegram is to be EXPRESS it should be entered here.

NOTICE.

The address of this Telegram should be as full as that of an ordinary Telegram.

TO { Name / Address / Place

FROM

NOT TO BE TELEGRAPHED. { Signature and Address of Sender

NOTE—Contn. sheet.

GEN. & REV. SECRETARIAT
VIII
E. AUDIT.
28 JUN 1920
1494

Office of the District Magistrate,

Tumkur District,

Dated Tumkur, the 8th June 1920. 23441

Police 108-19

19 -19
SECTION
FILE No.
SERIAL No.

From

Ananda Rao Sirsi, Esq., B.A., LL.B.,

District Magistrate, Tumkur District.

To

C.S. Balasundaram Iyer, Esq., B.A.,

Chief Secretary to the Government

of His Highness the Maharaja of Mysore,

Bangalore.

Sir,

With reference to your D.O. No. 2092 dated 8th May 1920, I have the honour to forward herewith for your reference a copy of Judicial Commissioner's decision in Special Appeal No. 14 of 1871.

I have the honour to be,

Sir,

Your most obedient servant,

District Magistrate,
Tumkur District.

D.N.

1919-20.

From

The District Magistrate,

Tumkur District, Tumkur

32744

The Chief Secretary to the Govt
H.H. the Maharaja of Mysore,
Bangalore

Dated 8th June 1920.

Despatched

Received 9 JUN 19

General No. FC no 583
No. 19-20

Enclosure No. Nil

Forwarding for reference, a c
of Judicial Commissioner's decisi
in Special Appeal No. 14 of 1871.

Recd on 19-6-20

34 34

IN THE COURT OF THE JUDICIAL COMMISSIONER

OF MYSORE.

BANGALORE, TUESDAY THE 25th day of April 1 8 7 1.

Before:-

R.D. Mangles, Esquire, V.C.,

Officiating Judicial Commissioner.

Special appeal suit No. 14 of 1871 against the decision of the Superintendent of the Nandidroog Division in appeal suit No. 69 of 1870.

Defendants special appellants.

1. Mahamad Hayath
2. Husainsab,
3. Jugoo Sahib,
4. Buddoo
5. Masthansab,
6. Buddoo,
7. Thanthoosab,
8. Peer Saib,
9. Davasaib,
10. Mahamad Khan,
11. Mahamad Hayath,
12. Boodoo,
13. Bangadeali Sahib,
14. Thodda Hydersaib,
15. Chikka Hyder Saib,

Plaintiff special Respondent.

Pootta Hallappa Shetty.

--:oOo:--

JUDGMENT.

This suit was originally laid in the Court of the Judicial Assistant of the Tumkur District. The Plaintiff Pootta Hallappa sued the defendent Mahamad Hayath and others for damages assessed at Rs 355/- odd, on account of losses occasioned by the defendents having obstructed him and others, while engaged in a ceremonial and musical procession The Court of 1st instance disallowed plaintiff's claim for damages, but decreed that he was entitled to pass along the highway using music and in procession near the defendents mosque, provided he did not annoy his fellow subjects, or provoke a breach of the peace. Both parties objected before the Lower appellate Court, the plaintiff on the ground that he was entitled to damages, and the defendents generally but more especially in regard to the finding of the Lower

2.

39

Lower Court that no usage having the force of law existed prohibiting the playing of music on the high way before their mosque. The Lower appellate Court gave the plaintiff damages, amounting to Rs. -- 20/- but dismissed the defendant's appeal with all costs in both courts, upholding the finding of the Lower Court as to the absence of any good foundation for such usage as had been contended for by the defendants. Both parties have now again raised objections before this court. There are several grounds of objection stated in petition of appeal presented by the Defendants but their pleader, Mr. Wright, has confined his arguments to one point only, namely, that the Lower Courts have incorrectly decided that no such usage exists as contended for by the defendants. The plaintiff objects to the finding of the Lower Court as to the question of the damages sustained by him, declaring that the sum awarded is insignificant and insufficient. The whole of the evidence taken in this case has been attentively perused, and especially the evidence of the witnesses referred to by Mr. Wright. From the general tenor of this evidence it would appear that the road along which the plaintiff was passing the procession and playing music was a high road; that near this high road a building is situated which has been used as a mosque for the past 8 or 10 years, and that during the past 5 or 6 years the mahamadens of the place who own this mosque, have on several occasions prevented persons from playing music whilst passing the mosque. But it is to be observed that the defendants have entirely failed to prove that they possessed any recognized right to put a stop to the playing of music on the high way, or that there is any real usage in existence having the force or authority of law which prohibits the use of music along a high way when such highway passes the neighbourhood of a mosque. The Court would require very strong evidence in support of any such usage as has been contended for and certainly such evidence has not been adduced in the present case. As regards the objection on the part of the plaintiff that the damages awarded are insufficient, it is to be observed that this is a pure question of fact for the determination of the Lower Court. However the

However the evidence has been carefully perused and under all the circumstances, I fail to find any good or sufficient reason for interfering with the orders passed. The appeal is therefore dismissed; each party will bear their own costs in the Court.

Sd/- R.D. Mangles,

Officiating Judicial Commissioner.

--:oOo:--

"Copy".

District Magistrate,
Tumkur District.

D.N.

Police 108-19-5

Proceedings of the Government of His Highness the Maharaja of Mysore.

READ:-

G.O. No.14977-8-Police 108-19-2, dated 3rd January 1920, passing orders in respect of the objection raised by the Mahomedan residents of Tiptur against the passing of the Public Ceremonial Procession in connection with the Peace Celebrations, with music in front of the Musjid in Petta Road.

ORDER NO. G 7298-9 DATED 2-10-1920.

On further consideration, the order read above is revised and re-issued as follows:-

" Read:-

Letter No. J.C.295 of 19-20, dated the 17th December 1920 from the Deputy Commissioner, Tumkur District, stating that the public ceremeonial procession in connection with the Peace Celebrations in Tiptur town which had to be conducted on the 15th December 1919 was postponed on account of the objection taken by the Khajee and other Mahomedans of the place, to allow it to pass with music in front of the Masjid in the Petta Road and stating that it is intended to conduct the procession on the 21st idem.

Order No.14977-8-Police 108-19-2, dated 3rd January 1920.

The Judicial Commissioner has distinctly held in his judgment in Special Appeal Suit No. 14 of 1871 that there is no proof that the Mosque in question possessed any recognised right to put a stop to the playing of music on the highway in front of it. Further, in the list of institutions entitled to stoppage of music by processions passing in front

of them prepared in 1876, the Deputy Commissioner of the time has held that it is not necessary to confer that privilege on the mosque in question. The objections raised by the Mahomedans are therefor untenable ~~and the local authorities ought to have taken necessary steps in time to have the procession conducted on the day appointed~~.

2. As, however, the time for celebrating the processions is past, Government do not consider it necessary to require the procession to be now conducted on another date".

20.9.20

Chief Secretary to Govt.

To

The Deputy Commissioner, Tumkur.

" Inspector-General of Police.